

REFERENCE TITLE: county jail education programs; funding

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

## HB 2324

Introduced by  
Representatives Bradley, Aguirre A, Hershberger, Landrum Taylor, Miranda  
B: Alvarez, Anderson, Rios P

### AN ACT

AMENDING SECTION 15-913.01, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION; RELATING TO SCHOOL FINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 15-913.01, Arizona Revised Statutes, is amended to  
3 read:

4           15-913.01. Education program: county jails

5       A. Each county that operates a county jail shall offer an education  
6 program to serve all prisoners who are under eighteen years of age and  
7 prisoners with disabilities who are age twenty-one or younger and who are  
8 confined in the county jail. The county school superintendent and the  
9 sheriff in each county shall agree on the method of delivery of the education  
10 program.

11      B. The county school superintendent shall develop policies and  
12 procedures for the transfer of educational records of any prisoner confined  
13 in a county jail who has been transferred from a juvenile detention center or  
14 from any other public agency which has provided educational services to that  
15 prisoner.

16      C. A county may operate its county jail education program through an  
17 accommodation school that provides alternative education services pursuant to  
18 section 15-308, except that each pupil enrolled in the accommodation school  
19 county jail education program shall be funded at an amount equal to  
20 seventy-two per cent of the amount for that pupil if that pupil ~~was~~ WERE  
21 enrolled in another accommodation school program.

22      D. If a county chooses not to operate its county jail education  
23 program through an accommodation school, the county school superintendent may  
24 establish a county jail education fund to provide financial support to the  
25 program. The county jail education fund for each program shall consist of a  
26 base amount plus a variable amount. ~~For fiscal year 1999-2000 the base~~  
~~amount is fourteen thousand four hundred dollars and the variable amount~~  
~~shall be determined pursuant to subsection E of this section.~~ FOR FISCAL  
27 YEAR 2006-2007, THE BASE AMOUNT IS TWENTY THOUSAND DOLLARS AND THE VARIABLE  
28 AMOUNT SHALL BE DETERMINED PURSUANT TO SUBSECTION E OF THIS SECTION. The  
29 county treasurer shall deposit the appropriate amount into the county jail  
30 education fund from monies that are collected from the tax levy for county  
31 equalization assistance for education pursuant to section 15-994 after the  
32 monies are used pursuant to section 15-365, subsection F and before the  
33 monies are used to provide equalization assistance for education pursuant to  
34 section 15-971, subsection C, except that if a county jail education program  
35 serves more than one county, payment into the fund shall be pursuant to  
36 subsection F of this section.

37      E. The variable amount shall be determined as follows:

38       1. Determine the number of days in the prior fiscal year that each  
39 pupil who is a prisoner and had been in the county jail for more than  
40 forty-eight hours received an instructional program of at least two hundred  
41 forty minutes. No school district may count a pupil as being in attendance  
42 in that school district on a day that the pupil is counted as a prisoner for  
43 the purposes of this paragraph.

1        2. Multiply the number of days determined under paragraph 1 of this  
2 subsection by the following amount:

3            (a) For fiscal year ~~1999-2000~~ 2006-2007, ~~ten~~ FIFTEEN dollars ~~and~~  
4 ~~eighty cents~~.

5            (b) For fiscal year ~~2000-2001~~ 2007-2008 and each year thereafter, the  
6 amount for the prior year adjusted by any growth rate prescribed by law,  
7 subject to legislative appropriation.

8        3. For each pupil who is a child with a disability as defined in  
9 section 15-761, who is a prisoner and who had been in the county jail for  
10 more than forty-eight hours:

11            (a) Determine the amount prescribed in section 15-1204, subsection E,  
12 paragraph 1 or 2, ~~multiply the amount by .72~~ and add ~~seventy-two~~ ONE HUNDRED  
13 dollars for capital outlay costs.

14            (b) Divide the sum determined under subdivision (a) of this paragraph  
15 by one hundred seventy-five.

16            (c) Subtract the amount prescribed in paragraph 2 of this subsection  
17 from the quotient determined in subdivision (b) of this paragraph.

18            (d) Determine the number of days in the prior fiscal year that the  
19 pupil received an instructional program of at least two hundred forty  
20 minutes.

21            (e) Multiply the amount determined in subdivision (d) of this  
22 paragraph by the difference determined in subdivision (c) of this paragraph.

23        4. Add the amounts determined in paragraph 3 of this subsection for  
24 all pupils with disabilities who are prisoners.

25        5. Add the sum determined in paragraph 4 of this subsection to the  
26 product determined in paragraph 2 of this subsection. This sum is the  
27 variable amount.

28        F. If a county jail education program serves more than one county, the  
29 county school superintendents and the sheriffs of the counties being served  
30 shall agree on a county of jurisdiction. The county treasurer shall pay the  
31 appropriate amount into the county jail education fund of the county of  
32 jurisdiction from monies collected pursuant to subsection D of this section  
33 as follows:

34            1. The total base amount shall be prorated among the counties based on  
35 the total number of days as determined under subsection E, paragraph 1 of  
36 this section that pupils who are prisoners from each county were served.

37            2. The variable amount shall be calculated separately for each county.

38            3. The county treasurer of each county that is not the county of  
39 jurisdiction shall pay its variable amount and its portion of the base amount  
40 to the county of jurisdiction.

41            4. The county treasurer of the county of jurisdiction shall deposit  
42 the monies received from the other counties pursuant to paragraph 3 of this  
43 subsection into the county jail education fund and shall pay into the fund  
44 its variable amount and its portion of the base amount.

1       G. If a county operated a county jail education program through an  
2 accommodation school in the year before it begins to operate its county jail  
3 education program as provided in subsection D of this section, for the first  
4 year of operation as provided in subsection D of this section, the student  
5 count of the accommodation school shall be reduced by the average daily  
6 membership attributable to the accommodation school's county jail program in  
7 its last fiscal year of operation. ~~The provisions of~~ Section 15-942 ~~shall~~  
8 DOES not apply to this reduction in student count.

9       Sec. 2. Appropriation; purpose

10      The sum of \$\_\_\_\_\_ is appropriated from the state general fund  
11 in fiscal year 2006-2007 to the department of education for distribution to  
12 county jail education funds for the purpose of funding equalization  
13 assistance for the state education system for persons in county jail  
14 education programs pursuant to section 15-913.01, Arizona Revised Statutes,  
15 as amended by this act.